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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,736	09/18/2003	Stephen C. O'Neal	MS#180503 . 02 (4950.1)	5613

321 7590 08/16/2004

SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,736	O'NEAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/20/04</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 12-13, 17-18, 20-23, 26-30, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandt et al (6,377,993).

Consider claims 1, 28-30. Brandt teaches an apparatus for managing access to transaction services, comprising query logic (query generation and execution; col. 4, ln. 18-27), configured to query telecommunication transaction records (col. 3, ln. 38-61; priced call data) for an user's account to detect an account event (report options and criteria; col. 18, ln. 52 to col. 19, ln. 14; col. 27, ln. 15-27); and an event monitor (col. 7, ln. 56-65; col. 13, ln. 55-65; col. 14, ln. 10-22; col. 15, ln. 60 to col. 16, ln. 2; col. 16, ln. 56 to col. 17, ln. 3; col. 18, ln. 52 to col. 19, ln. 14; col. 21, ln. 38-56), configured to prescribe the account event, and, upon detection of the event, to manage access to the transaction services as a function of the transaction cost associated with the transaction record of the detected account event, the event monitor prescribing the account event in response to a command initiated by a user from a remote computer (col. 3, ln. 38-61; col. 15, ln. 60 to col. 16, ln. 2).

Consider claim 2. Brandt further teaches a user prescribed the account event from a remote computer that is executing a thin web client application program (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2; col. 17, ln. 21-36; col. 3, ln. 38-61; col. 15, ln. 60 to col. 16, ln. 2).

Consider claims 3, 13. Brandt further teaches fields of the telecommunication transaction records include a calling number, a transaction date, a transaction time, a called number, a called place, transaction duration, and a transaction cost (col. 18, ln. 52 to col. 19, ln. 14). It is also noted that Call Detail Record (CDR) is defined as an accounting record produced by Switches to track Call Type, Time, Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity planning. Therefore, Brandt inherently discloses the query are selected from group consisting of calling device, device called, area called, transaction duration, transaction cost, date of transaction, and time of transaction.

Consider claim 4. Brandt further teaches the account event comprises a logical combination of one or more states of the fields, the logical combination of field states being specified by the user (col. 27, ln. 16-27; ln 63 to col. 28, ln. 60, tables 1-2).

Consider claims 5, 14. Brandt further teaches the event monitor automatically executing a prescribed response when the account event is detected (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2; col. 16, ln. 15-48; col. 17, ln. 21-36).

Consider claims 11, 20. Brandt further teaches each of the transaction records documents a specific transaction service event, wherein the specific event comprises a local toll call, a long distance call or a calling card call (col. 18, ln 52 to col. 19, ln. 14; col. 34, ln. 47 to col. 35, ln. 16).

Consider claims 12, 21-24, 32, 34. Brandt teaches an apparatus for managing access to transaction services, comprising a billing server (col. 3, ln. 62 to col. 4, ln. 17; col. 8, ln. 15-51; fig. 8); database query logic (query generation and execution; col. 4, ln. 18-27), configured to query telecommunication transaction records (col. 3, ln. 38-61; priced call data) for an user's account to detect an account event (report options and criteria; col. 18, ln. 52 to col. 19, ln. 14; col. 27, ln. 15-27); an event monitor (col. 7, ln. 56-65; col. 13, ln. 55-65; col. 14, ln. 10-22; col. 15, ln. 60 to col. 16, ln. 2; col. 16, ln. 56 to col. 17, ln. 3; col. 18, ln. 52 to col. 19, ln. 14; col. 21, ln. 38-56), configured to prescribe the account event, and, upon detection of the event, to manage access to the transaction services as a function of the transaction cost associated with the transaction record of the detected account event, the event monitor prescribing the account event in response to a command initiated by a user from a remote computer (col. 3, ln. 38-61; col. 15, ln. 60 to col. 16, ln. 2); and web server (fig. 5, col. 7, ln. 56-65).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10, 15-18, 25-27, 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (6,377,993) in view of Eggleston et al (5,764,899).

Consider claims 6-7, 15-16. Brandt does not clearly teach that the prescribed response comprises an alert response. Eggleston teaches that the prescribed response comprises an alert response (col. 3, ln. 57 to col. 4, ln. 3; col. 5, ln. 44-53; col. 6, ln. 24-57; col. 9, ln. 39-61; col. 13, ln. 60 to col. 15, ln. 41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Eggleston into the teachings of Brandt to assist clients in maintaining their messaging and expenses within desired limits.

Consider claim 8. Brandt further teaches the user and service provider are alerted by email (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2).

Consider claims 9-10, 17-18, 25-27, 31. Eggleston further teaches the prescribed response comprises a control response, wherein the control response comprises limiting access of the user to specified transaction services (col. 3, ln. 57 to col. 4, ln. 3; col. 14, ln. 23-52).

Consider claim 19. Eggleston further teaches the control response comprises increasing a credit limit for the user by a specified amount (col. 14, ln. 23-52).

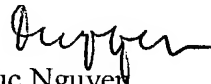
Consider claim 33. Brandt further teaches the user and service provider are alerted by email (col. 7, ln. 56-65; col. 15, ln. 60 to col. 16, ln. 2).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

8/5/04